

REMARKS

In accordance with the foregoing, claim 1 has been amended, and new claim 6 has been added. Therefore, after entry of the foregoing claim amendments, claims 1, 3 and 6 will be pending and under consideration. No new matter is being presented, and approval of the amended and new claims is requested.

Rejections under 35 U.S.C. §103(a)

Claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al. (U.S. Patent No. 6,266,481) (hereinafter “Lee”) in view of Yuyama et al. (U.S. Patent No. 5,825,408) (hereinafter “Yuyama”), Nono (U.S. Patent No. 7,209,632) and Matsugami (U.S. 2003/0099462).

Regarding independent claim 1, the Examiner cites Lee, column 5, lines 41-44, as disclosing a receiving state detection activator for activating the receiving state detector at a time point preceding a set start time of programmed recording by a predetermined time. In particular, the Examiner refers to a demodulator of Lee that detects the state of the incoming signal before the signal arrives to the recorder.

Lee describes a demodulator 11 for demodulating a signal of a selected channel, where if the demodulated signal contains an error attributed to the communication path, the error is corrected by a forward error correcting circuit 12. The resultant signal is supplied to a condition access circuit 13 to determine if that signal constitutes a program that is authorized for recording by the television receiving apparatus 6. (See Lee, column 5, lines 41-47).

The Examiner has cited the demodulator 11 of Lee in rejecting the receiving state detector, as well as the receiving state detection activator for activating the receiving state detector, of claim 1. Even assuming *arguendo* that the demodulator 11 is equivalent to the receiving state detector of claim 1, the same demodulator 11 can not be considered equivalent to the receiving state detection activator.

Although the demodulator 11 of Lee detects errors in the signal before the signal arrives to the recorder, the cited reference does not teach or suggest activating the receiving state detector a predetermined amount of time preceding a set start time of a programmed recording.

Accordingly, the conventional system of Lee is unable to provide a user with an opportunity, for example, to move to a place where the television broadcast waves may be received in a satisfactory condition before the start time of the program to be recorded. In contrast, the system of Lee merely demodulates the signal of a channel *when the channel is selected by a user* to determine if the signal constitutes a program that is authorized for recording. There is no indication in Lee of activating a receiving state detector a predetermined amount of time preceding a set start time of programmed recording, as recited in independent claim 1.

Therefore, as none of the cited references, alone or in combination, teaches or suggests the features of claim 1, it is respectfully submitted that the rejection thereof, as well as the rejection of dependent claim 3, should be withdrawn.

New Claim 6

New claim 6 depends from independent claim 1 and inherits the patentability thereof. Therefore, claim 6 is submitted to be allowable for at least the foregoing reasons. Support may be found in original claim 5 and previously presented claim 1.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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